

Attorney Docket No.: 101327-126

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MANEUVERABLE OPTICAL FIBER DEVICE FOR CARDIAC PHOTOABLATION

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on: August 25, 1999

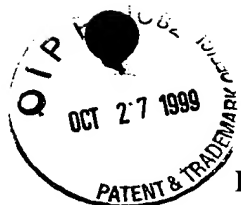
as Application No.: 09/382,615

and was amended on:
(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys at Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.



FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

(check one)

- ☒ no such foreign applications have been filed.
- ☐ such foreign applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

(check one)

- ☒ no such U.S. provisional applications have been filed.
- ☐ such U.S. provisional applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
		___ Yes No ___
		___ Yes No ___
		___ Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

(check one)

- ☒ no such U.S./PCT applications have been filed.
- ☐ such U.S./PCT applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Ronald E. Cahill	Reg. No. 38,403	Michael I. Falkoff	Reg. No. 30,833
John Christopher	Reg. No. 37,596	William C. Geary III	Reg. No. 31,359
Carl M. DeFranco, Jr.	Reg. No. 32,675	Richard J. Roos	Reg. No. P45,053
Paul D. Durkee	Reg. No. 41,003	Michelle B. Rosenberg	Reg. No. 40,792
Thomas J. Engellenner	Reg. No. 28,711	Scott D. Rothenberger	Reg. No. 41,277

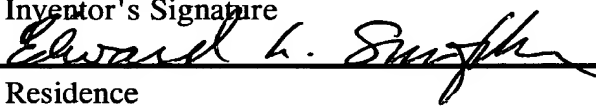
all of Nutter McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

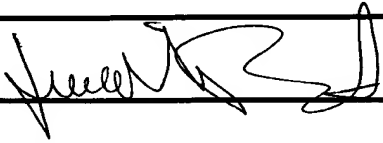
Please mail correspondence to: Scott D. Rothenberger
at **Customer Number 021125**, whose address is:

Nutter McClennen & Fish, LLP
One International Place
Boston, Massachusetts 02110-2699

Please direct telephone calls to: Scott D. Rothenberger at (617)439-2810.

Please direct facsimiles to: (617) 973-9748.

Full name of sole or first joint inventor Edward L. Sinofsky	
Inventor's Signature 	Date 9/28/99
Residence 152 Whittier Drive, Dennis, MA 02638	
Country of Citizenship USA	
Post Office Address (if different) Same as above.	

Full name of second/joint inventor Lincoln S. Baxter	
Inventor's Signature 	Date 9-28-99
Residence 18 Pine Tree Drive, Centerville, MA 02632	
Country of Citizenship USA	
Post Office Address (if different) Same as above.	

771985.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Edward L. Sinofsky
Lincoln S. Baxter

ATTORNEY
DOCKET NO: 101327-126

APPLICATION NO: 09/382,615

EXAMINER: Not Assigned

FILED: August 25, 1999

GROUP NO: 3737

ENTITLED: MANEUVERABLE OPTICAL FIBER DEVICE FOR CARDIAC PHOTOABLATION

STATEMENT CLAIMING SMALL ENTITY STATUS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

THE UNDERSIGNED STATES:

Exclusive rights in the above-identified invention reside in the "small entity(ies)" defined and named below, and "small entity" fees are appropriate. Qualification as a small entity is based upon the statement(s) below:

SMALL BUSINESS CONCERN

The below-identified small business concern qualifies as a small business as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, in that the number of employees, including those of its affiliates, which does not exceed 500 persons, and it has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

The undersigned acknowledge(s) the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 11.28(b)).

The below-signing individual(s) hereby declare(s) that (he, she, they) are authorized to execute this statement on behalf of the small entity; that all statements made herein of (his, her, their) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issue thereon, or any patent to which this verified statement is directed.

Name of Small Entity:

CardioFocus, Inc.

Address of Small Entity:

126B Mid-Tech Drive, West Yarmouth, MA 02673

Name of Person Signing:

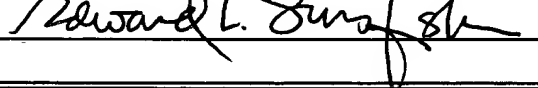
Edward L. Sinofsky, Ph.D.

Title of Person Signing:

Chairman of the Board

Signature: (Please sign and date in permanent ink.)

Date signed:

X 

X 9/28/99
